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Town of New Glarus

MINUTES
TOWN OF NEW GLARUS
Plan Commission Meeting
Thursday January 17, 2013
Town Hall- Swiss Miss Center 1101 Hwy 69 New Glarus @ 6:30 PM

ATTENDING: Jon Ott, Bob Elkins, Keith Seward, Duane Sherven, John Freitag and Susan McCallum,
Deputy Clerk/Plan Administrator

ALSO ATTENDING: Mark Hanson, left at 7:25pm; Dale Hustad, Town Attorney

ABSENT: Gof Thomson, Reginald Reis

1. Call Meeting to Order: Chairman K. Seward called the meeting to order at 6:35 pm.
2. Review Proof of Posting: S. McCallum verified the three public posting places.
3. Administer Oaths of Office for commissioners Freitag and Thomson: S. McCallum administered the Oath of Office to John Freitag following adjournment of the meeting.
4. Public Comments: None
5. Approve Minutes from November 14, 2012: D. Sherven moved to approve the minutes, 2nd by B. Elkins. Motion carried.
6. Consider purchasing new township section map: S. McCallum requested replacing the 2008 Township Section Map with a current version from Rockford Maps for \$45.00 less 10% for on line ordering. There was general consensus to update the map.
7. Discussion with Blue Ridge Development regarding concepts for development on Edelweiss Road:
Mark Hanson presented a packet of information with his development outlined and the proposed road identified as Front Nine Court. He presented an overview of project and documentation of subdivision approval 1/31/1995 for owner at that time Edelweiss Chalet Country Club, from Green County. K. Seward gave a brief history overview and outlined the fact this body has wanted an easement between lots 0184.0300 and 0184.0400 for when the adjoining property to the west is developed. The other item of concern and we had discussed months ago, Mark agreed they did discuss this, in addition the road's radius requirements are an issue regarding a perpendicular entrance to Edelweiss Road at a flatter area on that road and this required some negotiations with the neighbor Cruse. The town engineer has reviewed the plan and it meets radius requirements, but the tangent length between reverse curves is not identified and needs to be 100'. It looks like it currently does not meet that road ordinance criteria. In addition the town patrolman has concerns regarding plowing and the steepness of the hill. K. Seward stated and M. Hanson agreed they had a discussion months ago regarding these challenges prior to purchase of the property. M. Hanson asked would it meet criteria if it were a private road with lots adjusted for total of 6, and then would you be looking at a private driveway standards? K. Seward said if the road remains private as it is platted he would have a problem with the County. J. Ott said with a private driveway the access should still be moved up the hill to a flatter place. M. Hanson said yes it has to be town road with 7 or more lots. M. Hanson stated he is interested in working with the Town and to do what you are comfortable with, moving the road would be additional cost and he would have to purchase land or easement from a neighboring landowner he does not know, his preference is for it to be a town road. J. Ott stated you would need an engineer to design the road as a town road to bring the entrance up the hill to a flatter place on Edelweiss. Keith asked what is his perception of lot 0184.0900. Mark said it is just a buildable lot at

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the west end and he felt if the road is moved South it creates an unbuildable remnant lot. K. Seward presented previous plans from the Darrow file with options for the road, M. Hanson stated he has those copies. J. Ott said the main discussion they had with the Darrows was to reconfigure those lots and then we had to decide was it a new development and would it fall in to the current ordinance or be grandfathered in. K. Seward had talked with Mr. Cruse and he was amiable to land transfer easement as it gave his property to the south an access to Edelweiss Road. K. Seward stated the road as laid out will not meet current town standards plus there is the concern with the access to Edelweiss. M. Hanson questioned what the issue is with the proposed entrance to Edelweiss, a site distance or runoff because of slope? K. Seward discussed that the reverse tangents of the proposed road are still an issue, and did M. Hanson understand what was meant by that criteria. M. Hanson said yes he did and that typically a road would dip down as it meets with another to prevent run off from pooling onto adjoining road. J. Ott stated that normally you would have a culvert at that point. K. Seward stated it was clear to him that M. Hanson would have to work with an engineer if he wants it to be a town road. J. Ott questioned was the County agreeable with his plan. M. Hanson said yes and talked about state standards at that time with minimum size of lots of 1 1/2 acres, that over 4 the proposal would become a plat. This is why some of the lots are of a larger size. If I kept it a private drive you wouldn't plow it. K. Seward stated no but it would need to be plowed, there aren't tangential issues with a driveway and you would still need to get large trucks on it. D. Sherven said if he keeps it as a private road he would have sanitation pick-up at end of road, school buses and mail delivery. M. Hanson said if he moves the road or changes the number of lots he has to go back to the county because it is a change in a plat. J. Ott stated this was a concern for Darrow as well; discussion included if the lots are changed you have to follow new standards and if you keep it the way it is it isn't good for either side. J. Freitag asked as he wasn't present in past discussions, was it finalized if the lots were changed would it would be considered a new development. The commission members indicated there had not been a final decision made. J. Freitag said he wants to make sure if it makes it safer for everyone, why wouldn't we let them reconfigure. J. Ott said he agrees, when this was laid out quickly it was not done the best way. M. Hanson asked whether roads laid out prior to these standards are exceptions, he had talked to the former owner's attorney and his attorney and they assured him he wouldn't have to worry about this road meeting current standards. He read the applicability standard from Chapter 75-2 adopted in 1999 "This chapter shall be applicable to all highways laid out by the Town Board after adoption of this chapter.", he passed his copy to D. Hustad who said it says laid out by the Town Board and this road was not laid out by the Town Board. M. Hanson said the road was laid out as a town road, indicated as such on original application to the county and pointed out the CSM was signed off on by the town board- J. Freitag in 1994. D. Hustad asked are you saying the road would be subject to previous town road standards? M. Hanson said yes. D. Hustad said that whatever standards the town had in 1999 prior to adoption of this ordinance, would apply to this road and whether this road met those standards prior to chairman signing the CSM. K. Seward does that bind the current town board to accept it as a town road. D. Hustad said the town could require it to meet current standards as the road was not put in, such as if back then it said 2" of topcoat and now it is 3" we would not accept it. Whether or not the town could deny the layout of the road that followed prior standards, the town has an obligation to protect its' residents. K. Seward asked M. Hanson how do you want to proceed, we will check the past road standards and you should as well and we will provide you that information. J. Ott said whatever was in place at that time is immaterial, he could put the road in but that is no guarantee the town will accept it. K. Seward said we could try to find standards before 1999 and give you the data when we find it. M. Hanson asked if the town wouldn't want to accept this as a town road unless it is to today's standards. K. Seward stated that is what he hears the commission saying. M. Hanson said he is willing to try to put in a road you are more comfortable with and safe, except he will lose a buildable lot and incur more expense. K. Seward said he thought he heard him say you were going to shave off a buildable lot to the West from lot 0184.0900. M. Hanson said this may also mean reconfiguring lots. He had a question about radius on inner curve is that from the center line. K. Seward read the review from our engineer about what was right with the current proposed road, and the critical point was the reverse curve tangent of maximum 100' according to the original CSM. M. Hanson said it also meets the maximum dead end length of 1,000' as

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now 800', but if I change the road it will lengthen to about 1200' and be outside of the standards. J. Ott said there would probably be a variance issued as there would be a trade-off. K. Seward asked Deputy Clerk to check this ordinance requirement. M. Hanson wondered wouldn't that affect taxes..... do you take title as I would not generally reserve an easement for a road? D. Hustad said the town has discontinued taking title to roads, current CSMs show lots to center of all roads or private driveways. K. Seward said they will stay in touch with any information the town finds and would appreciate the same. M. Hanson left the meeting.

There continued general discussion on other roads, safety and safety rails. D. Hustad said the school board makes decisions on which roads they don't service in bad weather.

8. Discuss and consider Babler Investments property original homestead location:

Deputy Clerk requested to discuss #9 first as the interested party was not yet present and had said he would be attending, all agreed. Deputy Clerk outlined the previous decisions made at the November 2012 Commission meeting regarding original parcel size based on a Meets and Bounds description and homestead site. Since then we received information from the assessor with a photo on or about 2005 of the original homestead and J. Ott stating that Gerber owned the .83 acres parcel #0213.1000 prior to ordinance adoption in October 1997. Deputy Clerk found the 1997 assessment roll from June 1997 listing Gerber as the owner at that time. J. Ott moved that the Babler Investments property has 66.255 acres for a potential cluster development maximum of four lots and the preexisting notion where the original homestead is located has no bearing on development as it no longer exists, 2nd J. Freitag. Motion carried.

9. Discuss lot potential for Borucki parcel 0089.4000 on Hwy W: Bob Elkins excused himself from the commission. He stated that he intends to buy one of Borucki's two parcels and is appearing before the commission to verify the number of lots he would have for building sites. He stated the acreage of the lot Borucki is currently living on 0094.2000 is 6.54 acres and he wants to buy 0089.4000 which is 5.96 acres. He said part of the sale is a deed restriction of no building on the purchased property for ten years. Deputy Clerk stated research on original acreage prior to ordinance, is 12.5 acres, which were owned at that time by the Crissmans. B. Elkins stated without going on public sewer service there could only be 4 potential dwelling units on the 12.5 acres, commission agreed. The property is within the AT- ETA and would need to go through the process. Hustad felt it limits Borucki to come in and say he has so many to build. J. Ott moved that B. Elkins will supply a copy of the sales contract which outlines that both properties have two building sites (one of Borucki's is already taken with his home), 2nd by J. Freitag. Motion carried.

(**Correction when minutes approved in February**): Approve Minutes from January 17, 2013: J. Ott moved to approve the amended minutes, 2nd by D. Sherven. Motion carried. B. Elkins stated there is a typo in #9 ETA should be ETZ, and asked to amend this sentence to say "would not need to go through the process based upon discussion by Bob Elkins with the Village Administrator." Strike sentence following "Hustad felt it limits Borucki to come in and say he has so many to build." Motion by J. Ott to amend the minutes as discussed, 2nd D. Sherven, motion carried.

10. Follow-up regarding Lucky Dog Farm building permit:

Deputy Clerk informed the committee this is a follow-up to D. Sherven's inquiry at the November meeting regarding the directive in the Green County Conditional Use Permit for the applicant to contact the Town Building Inspector to be inspected and issued a permit. She related the fees and discussion with the Building Inspector. Her question to this group is should it have been a triple fee according to ordinance. He only charged the regular building permit fee and stated at the most he charges twice the fee if they are uncooperative. The Deputy Clerk asked whether the commission wants to review the ordinance removing triple fees as this is not being followed or whether the inspector needs to be redirected. D. Sherven asked whether this should have been inspected to meet commercial use and whether our building inspector has authority to inspect a commercial property. K. Seward felt this would be a state inspection. K. Seward wondered if it would be okay to discuss this with the Building Inspector and ask him to follow the fee schedule. D. Sherven said that the county should have addressed the commercial use at the CUP hearing. D. Hustad said whether or not the county addressed the commercial use, they are still obligated to comply once brought to their attention. Unless the state becomes aware of that use and generates the

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inspection. J. Freitag said he understand the fee schedule, but in his mind if he encounters someone who doesn't understand they need a permit, why wouldn't the inspector have the discretion to evaluate the fee amount. J. Ott felt that also he should have advised the property owner that this needed a commercial permit. B. Elkins said he recalls that the inspector said about another topic, that it needed to be a commercial inspection. K. Seward suggested he follow-up and ask the inspector, does it fall under commercial, did he write a letter to county and his policies on the fee schedule. D. Hustad said if they give the inspector the discretion it should be stated in the ordinance.

11. Updates:

a. Joint Negotiation Committee: K. Seward reported that the town board signed the coop boundary agreement on 1/15 after 2 ½ years of negotiations. There are still some issues in peoples' minds, most related to the new library. Next step is the village considers it on 2/5. If they sign their resolution it goes to the DOA for approval in about 60 days. If they don't it comes back to resolve their issues. Additional elements include; consider on-going funding issues regarding the Library that are engineering elements, person to be named on village CDA, what town ordinances need to change as does the village. There were revenue sharing issue discussions on how do we work these out at end of agreement, that calculates last 5 years of tax collection and if developments are annexed there are payments from the village to town over 10 years. Also in the agreement the joint planning commission, members to be determined, has to meet a minimum of once a year, storm water issues, commercial/industrial development, Legler Valley road repairs and defined planning area. It was agreed roads in this area are to be kept to PASER rating 5. J. Ott wondered whether this agreement will prevent the town from losing ground to the village. K. Seward stated that they cannot annex outside of the territory, the town will assist developing light industry and this gets annexed right away, if residential and it is annexed there is a 20 year tax revenue plus 5 more to the township.

12. Set Next Meeting Date and Agenda: February 21 6:30pm tentative to agenda.

13. Adjourn: J. Freitag moved to adjourn at 8:21 pm, 2nd J. Ott. Motion carried.